

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | Confirmation No.: 9083 |
| Gary K. Michelson |) | |
| Serial No.: 10/736,866 |) | Group Art Unit: 3732 |
| Filed: December 16, 2003 |) | Examiner: Eduardo Robert |
| For: BONE HEMI-LUMBAR INTERBODY |) | |
| SPINAL FUSION IMPLANT HAVING |) | |
| AN ASYMMETRICAL LEADING |) | |
| END AND METHOD OF |) | |
| INSTALLATION THEREOF |) | |

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OFFICE OF PETITIONS

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) in the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: June 9, 2005

By: 

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| Substitute for FORM PTO-1449 | | Attorney Docket Number 101.0089-02000 | | Customer No. 22882 | | |
|---|------------------------|--|----------------|----------------------------------|-----------------------|-------------------------------|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | Applicant Gary K. Michelson | | Application Number 10/736,866 | | |
| (Use several sheets if necessary) Sheet <u>1</u> of <u>1</u> | | Filing Date December 16, 2003 | | Group Art Unit 3732 | Examiner E. Robert | |
| U.S. PATENT DOCUMENTS | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 2003/0130737 | 07-2003 | McGahan et al. | | | |
| | 6,258,125 | 07-2001 | Paul et al. | | | |
| | 6,277,149 | 08-2001 | Boyle et al. | | | |
| | 6,610,065 | 08-2003 | Branch et al. | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION (YES/NO) |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
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| EXAMINER | DATE CONSIDERED | | | | | |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | | | | |